

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

IN THE MATTER OF:)
ADMINISTRATIVE REQUIREMENTS)
FOR FREE ENTERPRISE PAYMENTS) ADMINISTRATIVE ORDER
AND PROBATION SERVICE FEES) NO. 93-062
_____)

Pursuant to statutory and administrative rule authority,
it is

ORDERED that the attached "Administrative Guidelines:
Probation Department Guidelines" governing payments to the
Free Enterprise Fund which was established by Administrative
Order of the Presiding Judge in 1981, and the Probation
Service Fees Fund, established by A.R.S. §13-901 A, be
followed by the adult probation officers of this court in
dealing with defendants sentenced to probation pursuant Title
13, Chapter 9 of Arizona Revised Statutes.

Done on August 11, 1993.

C. Kimball Rose
Presiding Judge

Original: Clerk of Superior Court

**ADMINISTRATIVE GUIDELINES
PROBATION DEPARTMENT GUIDELINES**

FREE ENTERPRISE FUND

A. Drug Court

1. Each defendant ordered to participate in the First Time Drug Offender Program (FTDOP) is required to contribute toward the costs of mandated treatment under the Special Terms of Probation.
2. Each probationer ordered to FTDOP will be assessed a treatment fee based on ability to pay.
3. All payments ordered under term 12 of the Standard Terms of Probation shall also be required; except that fines and probation fees shall be deferred until the defendant is no longer participating in the FTDOP.

A successful FTDOP probationer who has earned probation expiration shall pay all mandatory fines via civil judgment per A.R.S. 13-805.

An unsuccessful FTDOP probationer who has been discharged from the FTDOP and reinstated to a standard probation caseload shall be required to resume all Term 12 payments.

4. The Adult Probation Department shall not collect more treatment fees than are necessary to maintain actual program costs.

B. Furlough Programs

1. Each defendant who has been accepted to participate in a furlough program as ordered in Term 13 of the Standard Terms of Probation is required to pay a Program Fee equal to one hour's wage per day plus an administrative fee.
2. As mandated in A.R.S. 1970, Article 11, Section 31-334, the Work Furlough Administrator (Chief Probation Officer) shall require that all earnings be collected. After payment of the Work Furlough Program fee and other payments ordered by the court, any remaining funds shall be paid to the probationer.
3. Probationers participating in the Day Reporting Center Program (DRC) who have transferred to the DRC

directly from Work Furlough may earn the privilege of making Program Fee Payments without surrendering their entire earnings.

4. Probationers in the Day Reporting Center Program may, at the discretion of the Work Furlough Administrator, pay the required Furlough Program Fee with or without surrendering all earnings.

C. Residential Programs Operated by Adult Probation

1. Each defendant ordered to participate in the Shock Incarceration Program as a term of Intensive Probation may be transitioned into the community through the New Dawn After Shock Program, and will be required to contribute toward the cost of room and board.
2. Each probationer in the New Dawn Program will be assessed a room and board fee based on ability to pay, and the fee will be equal to one hour's wage per day plus an administrative fee.
3. The wages of the probationer will be paid directly to an account established by the Chief Probation Officer and the room and board fees will be paid from this account.

D. Community Restitution Program

1. Any contribution from the community or the private sector to the Community Restitution Program will be deposited to the Free Enterprise Fund.
2. All contributions received by the Community Restitution Program will be used solely for the purpose of replenishing materials and equipment used in the community service effort or to enhance the effectiveness of the Community Restitution Program.

PROBATION SERVICE FEE FUND

A. Indirect Services

1. Each probationer requesting to leave the State of Arizona and requiring participation in the Interstate Compact Program will be assessed an administrative fee of \$200 under Term 12B of the probation order.

2. Although each probationer will be encouraged to pay the fee prior to leaving the State of Arizona, monthly payments according to ability to pay subsequent to leaving the state are allowed.

B. FARE (Financial Assessment Related to Employability) Program

1. Each defendant ordered to participate in the FARE (Financial Assessment Related to Employability) probation program shall be required to pay a financial assessment out of which all restitution, probation service fees, and mandatory fines will be paid.
2. The total financial assessment is calculated based upon the severity of the offense and the defendant's net daily income, prorated by the number of dependents supported. The financial assessment shall be made in monthly payments in an amount deemed appropriate by the supervising probation officer, taking into consideration the defendant's ability to pay and length of probation grant. The defendant is encouraged to pay the total financial assessment as soon as is practically feasible, which can result in early termination.
3. The financial assessment must be paid in full before the defendant can be successfully terminated from FARE probation.
4. Once restitution and all court ordered assessments have been paid, any remaining FARE balance will be disbursed to Probation Service Fees.